REMARKS

These Remarks are in reply to the Office Action mailed June 16, 2004.

I. Status of Claims

Claims 1-30 were pending in the Application prior to the outstanding Office Action, with claims 1, 9, 13, 17 and 24 being independent. No claims are being presently amended, added or canceled, leaving for the Examiner's present consideration claims 1-30.

II. 35 U.S.C. 101 Rejections

Applicants would like to thank the Examiner for withdrawing the 35 U.S.C. 101 rejections of claims 1-16 and 24-30.

III. 35 U.S.C. 102(e) Rejections

Claims 1-30 were again rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,549,936 to Hirabayashi (hereafter referred to simply as "Hirabayashi").

Applicants' remarks in response to this rejection begin on the next page. Reconsideration of this rejection is respectfully requested.

A.   Claims 1-8

Claim 1 is reproduced below for the convenience of the Examiner.

1.   (Original): A job management apparatus for use in a batch job execution system including a plurality of service providers in communication with the job management apparatus, the apparatus comprising:
    a client communications part which receives a batch job from a client;
    an extracting part which extracts a task from the batch job; and,
    an assigning part which receives a first signal from at least one of the plurality of service providers, and in response to the first signal delegates the task to one of the plurality of service providers for performing the task.

As Applicants' have previously pointed out, claim 1 includes "an assigning part which **receives a first signal** from at least one of the plurality of service providers, and **in response to the first signal delegates the task** to one of the plurality of service providers for performing the task" (emphasis added). In the arguments filed April 1, 2004, Applicants asserted that the gateway of Hirabayashi does not delegate a task in response to a first signal received from at least one of the plurality of service provides. The present Office Action says that the Examiner disagreed with Applicants' arguments for the following reasons:

"Per (a), Hirabayashi discloses in FIG. 2 and col. 6, lines 53-65 that the server gateway 203 transfers (i.e., delegates) the request to the corresponding server 204 (i.e., service provider). Although Hirabayashi does not specifically disclose the first signal (i.e., an acknowledgement signal), a first signal must exist in order to provide an acknowledgment from server 204 to the gateway server 203 to proceed with the transfer." (See Office Action of 06/16/2004, Page 14, 1st paragraph).

In the Office Action it is admitted that Hirabayashi does not specifically disclose that the gateway 203 of Hirabayshi receives a first signal. However, the Examiner asserts that a first signal must exist in order to provide an acknowledgement from the server 204 to the gateway 203 to proceed with the transfer. Applicants do not necessarily agree with this assertion. However, even assuming the Examiner's assertion is correct, for the following reasons Applicants still believe that Hirbayashi does not teach the invention of claim 1.

Applicants would like to first point out that term "delegates" in claim 1 means "assigns". Thus, when the assigning part of claim 1 (in response to the first signal) "delegates" the task to one of the plurality of service providers, the assigning part actually *assigns* the task to one of the service provides in response to the first signal. Applicants point this out because it appears that the Examiner has interpreted the term "delegates" to mean the same thing as "transfers," which it does not. Rather, the term "transfers" means to move from one place to another. While it is possible that the assigning part of claim 1 may transfer a task after it delegates a task, the terms "delegates" and "transfers" are not synonymous.

Referring now to the language of claim 1, the assigning part specifically **receives a first signal** from at least one of the plurality of service providers, and **in response to the first signal** delegates (i.e., assigns) the task to one of the plurality of service providers for performing the task. Thus, there is a <u>specific order</u> in which the "assigning part" of claim 1 performs its functions. In other words: prior to delegating a task, the assigning part receives a first signal from at least one of the plurality of service providers; then, after receiving the first signal, and **in response to the first signal,** the assigning part delegates the task to one of the plurality of service providers for performing the task. In other words, the "assigning part" of claim 1 takes into account the "first signal" when it "delegates the task." As explained in the application, the

first signal can, e.g., inform the assigning part of the service providers ability to execute a task (as recited in claim 3, discussed below).

As pointed out in Applicants' Response of April 1, 2004, column 6, lines 53-56 of Hirabayashi merely states "The server gateway 203 receives the request block 202 transferred from the respective clients and analyzes the request, then judging [sic] to which server the request should be transferred." Even assuming for the sake of argument that the Examiner is correct that "a first signal must exist in order to provide an acknowledgement from the server 204 to the gateway 203 to proceed with the transfer," the server gateway 203 of Hirabayashi still does not perform the claimed functions of claim 1 in the claimed order of claim 1. Rather, the server gateway 203 receives the request block from a client and analyzes the request. Next, the server gateway 203 decides to which server 204 it should delegate the task, **without taking into account any signal received from service providers**. Then (assuming the Examiner is correct), the server gateway 203 contacts the server 204 to which it has delegated the task, and the server 204 sends an acknowledgment to proceed with the transfer. This is quite different from the invention of claimed 1 because, as previously pointed out, the server gateway 203 of Hirabayashi decides which server 204 should handle a request based solely on the gateway's own analysis of the request. In contrast, the assigning part of claim 1 **first** receives a first signal (e.g., a request for work) from at least one of the plurality of service providers, and then, <u>**in response**</u> **to the first signal,** delegates the task to one of the plurality of service providers for performing the task.

To summarize, the "assigning part" of claim 1 receives a first signal from one of a plurality of service provides, **and then, in response to the first signal** delegates the task to one of the plurality of service providers for performing the task. In contrast (assuming the Examiners' assertions regarding the use of an acknowledgement is correct), the server gateway

203 of Hirabayashi delegates a task to a server 204 (this delegation is not in response to a first signal received from one on a plurality of servers), and then, after receiving an acknowledgment from the server 204 (indicating the server 204 can accept transfer of the task), the server gateway 203 transfers the task to the server 204. For at least these reasons, Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claim 1, and its dependent claims 2-8, be withdrawn.

Claims 2-8 are believed to be patentable for at least the reason that they depend from patentable claim 1, as well as for the additional features that they add to claim 1. For example, claim 3 specifically requires that "the first signal informs the assigning part of the service providers ability to execute a task." It was asserted in the Office Action that column 6, lines 53-55 of Hirabayashi teach this feature. However, this portion of Hirabayshi merely states that "the server gateway 203 receives the request block 202 transferred from the respective clients and analyzes the request, then judging to which server the request should be transferred." Accordingly, as explained above, the server gateway 203 of Hirabayshi decides to which server 204 it should delegate the task, without taking into account any signal received from service providers. Even assuming for arguments sake that the Examiner is correct that a server 204 sends an acknowledgement that it can accept a transfer of data in response to an inquiry by the server gateway 203 (after the server gateway 203 has judged to which server to transfer the request), there is absolutely no disclosure that the server gateway 203 of Hirabayashi receives a signal from a server 204 informing the server gateway 203 of the servers ability to execute a task. Further, there is absolutely no disclosure in Hirabayshi that the server gateway in response to receiving a signal (informing the server gateway 203 of the servers ability to execute a task) delegates the task to one of the plurality of servers 204. For these additional reasons,

Applicants again respectfully request that the 35 U.S.C. 102(e) rejection of claim 3 be withdrawn.

B.   Claims 9-12

Claim 9 is reproduced below for the convenience of the Examiner.

9.   (Original): *A batch job execution system for communicating with at least one client, comprising:*

a job management apparatus in communication with the clients which receives a batch job from a client, extracts a task from the batch job, and assigns the task;

a job database in communication with the job management apparatus which stores the batch job;

a plurality of service providers in communication with the job management apparatus which receive the assigned task, perform the task, and return a result to the job management apparatus; and,

at least one provider manager in communication with the job management apparatus and in communication with the plurality of service providers which monitors the tasks being performed on the service providers and provides status information to the job management apparatus.

As Applicants have previously pointed out, claim 9 requires "at least one provider manager in communication with the job management apparatus and in communication with the plurality of service providers which monitors the tasks being performed on the service providers and provides status information to the job management apparatus." In the arguments filed April 1, 2004, Applicants asserted that Hirabayashi does not teach "at least one provider manager" that monitor tasks being performed on a plurality of service provides, and provides status information

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to a job management apparatus. The present Office Action says that the Examiner disagreed with Applicants' arguments for the following reasons:

> *"Per (b), Hirabayashi discloses in Fig. 12, col. 11, lines 59 - col. 12, line ?* (a line number for column 12 appears to have been accidentally left out) *that the step of monitoring is done by referring to the job queue to determine whether or not a job exists, is awaiting execution, or is in the course of execution. Furthermore, in col. 6, lines 23-26, Hirabayashi discloses inquiring the server about the state of the job request in the queue and in col. 11, lines 24-58, Hirabayashi clearly indicates that the status information is provided to a job management apparatus (execution managing unit 924) because the request for inquiring in what state the job lies is made to server 920."* (See Office Action of 06/16/2004, Page 14, 2nd paragraph).

As explained below, Applicants still do not agree that the above mentioned sections of Hirabayashi teach "at least one provider manager in communication with the job management apparatus and in communication with the plurality of service providers which monitors the tasks being performed on the service providers and provides status information to the job management apparatus," as required by claim 9.

First of all, the claimed "at least one provider manager" (which is part of a "batch execution system") is separate from the "at least one client" and is separate from the "plurality of service providers" of the batch execution system (but may be associated with the plurality of service providers). Second, the claimed "at least one provider manager" is "in communication with the plurality of service providers" and "monitors the tasks being performed on the service providers." Third, the claimed "at least one provider manager" specifically "provides status information to the job management apparatus," wherein "job management apparatus" is separate

from the clients and service providers. As will be explained below, Hirabayashi does not teach or suggest these features.

It appears that the Examiner is asserting that the "state display unit 913" of the client 910 teaches the claimed "at least one provider manager" of claim 9. As explained at column 11, lines 46-51 of Hirabayashi, "the state display unit 913 [of the client 910] issues, to the request analyzing unit 921 in the server 920, a request for job-information acquisition (GET) for inquiring in what state the registered job lies at present." Then, as explained at column 11, line 59 - column 12, line 8 of Hirabayashi, the "execution management unit 924 in the server 920 performs the job-information GET processing" by accessing the "job queue 923" and based on the job queue 923 determining whether a job is awaiting execution, in the course of execution, or whether the execution of the job has been terminated. Also, "by referring back to the log stored in the execution-result storing unit 927, information to be returned back of the content of the log is summarized as the response data, then being returned back to the state display unit 913 [of the client 910]." For the following reasons, this is quite different than the "at least one provider manager" of claim 9.

First of all, in Hirabayashi it is the "state display unit 913" of the client 910 that specifically inquires about the state of a job. In contrast, in claim 9 it is the "at least one provider manger" that monitors the tasks being performed on the service providers, wherein "the provider manager" is separate from the clients and the service providers (see claim 9 and FIGS. 1 & 2 of the present application).

Second, in Hirabayashi the state display unit 913 of the client 910 inquires directly with a specific server 920 about the state of a job. In contrast, the "at least one provider manager" of claim 9 (which is separate from the clients and the service providers) is "in communication with

the plurality of service providers" and "monitors the tasks being performed on the service providers." That is, in claim 9 it is not the client that inquires about or monitors tasks being performed on the service providers.

Third, in Hirabayashi, it is the server 920 that provides data regarding the state of a job back to the state display unit 913 of the client 910. In contrast, it is the "at least one provider manager" of claim 9 that "provides status information to the job management apparatus," wherein "job management apparatus" is separate from the clients and service providers (see claim 9 and FIGS. 1 & 2 of the present application). That is, in claim 9 the service providers are not proving status information; and in claim 9 a client is not the recipient of status information. Rather, in claim 9 it is the "at least one provider manager" that obtains status information, and it is the "job management apparatus" that receives that status information from the "provider manager."

For at least the reasons explained above, Applicants respectfully request that the 35 U.S.C. 102(e) rejection of claim 9, and its dependent claims 10-12, be withdrawn.

Claims 10-12 are believed to be patentable for at least the reason that they depend from patentable claim 9, as well as for the additional features that they add to claim 9. For example, claim 11 specifically requires that "if the service provider fails to complete the task within a predetermined time, the provider manager communicates with the service provider, and informs the job management apparatus of the task status in response to the communication with the service provider." It was asserted in the Office Action that the state display unit 913 of the client 910 teaches these features. However, as explained above, the claimed "provider manager" is separate from the clients (i.e., is not part of a client). Additionally, there is nothing in Hirabayashi that teaches or suggests that the state display unit 913 is informed of a task status

specifically "if the service provider fails to complete the task within a predetermined time." For

these additional reasons, Applicants again respectfully request that the 35 U.S.C. 102(e) rejection

of claim 11 be withdrawn.

C.   Claims 13-16

Claim 13 is directed to a system for executing a batch job including a plurality of tasks,

with the system including an "assigning part configured to delegate one of the tasks to one of the

first and second service providers responsive to receiving the first and second signals from the

service providers." Applicants respectfully assert that claim 13, and its dependent claims 14-16,

are patentable over Hirabayashi for at least the reasons discussed above with reference to claims

1-8.

D.   Claims 17-23

Claim 17 is directed to a method for preparing and executing a batch job by a batch job

execution system. The method includes the steps of "receiving a first signal from at least one of

a plurality of service providers which informs the job management apparatus of the service

providers ability to perform a task" and "delegating the task to the service providers in response

to the first signal." Applicants respectfully assert that claim 17, and its dependent claims 18-23,

are patentable over Hirabayashi for at least the reasons discussed above with reference to claims

1-8.

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E.   Claims 24-30

Claim 24, as amended, is directed to an article of manufacture including an information

storage medium wherein is stored computer readable information. This comprises, among other

components "an assigning software component which receives a first signal from at least one of a

plurality of service providers, and in response to the first signal delegates a task to one of the

plurality of service providers for performing the task." Applicants respectfully assert that claim

24, and its dependent claims 25-30, are patentable over Hirabayashi for at least the reasons

discussed above with reference to claims 1-8.
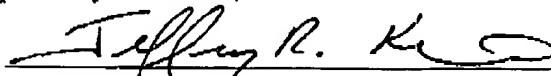

IV.   Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the

subject patent application should be allowable, and a Notice of Allowance is requested. The

Examiner is respectfully requested to telephone the undersigned if he can assist in any way in

expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment

to Deposit Account No. 24-0037 for any matter in connection with this response, including any

fee for extension of time, which may be required.

                                           Respectfully submitted,

Date: September 8, 2004   By: _____Jeffrey R. Kurin_____
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